

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)

**PERMIT\***



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1201-03-0003.1 WFD 030001 (upland)	Application No. Same as Permit No.
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Issuance Date <b>FEB 18 2004</b>	Effective Date <b>FEB 18 2004</b>	Expiration Date <b>FEB 18 2009</b>
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Name and Address of Applicant Mr. Joel Jerome, Cytec Industries, Inc. 5 Garrett Mountain Plaza West Paterson, NJ 07424	Name and Address of Owner Same as applicant	Name and Address of Operator Same as applicant
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Location of Activity/Facility (Street Address) Cytec Carteret Carteret, Middlesex County Block: 10 Lots: 8, 9, 10, 12 - 21, 28 Block: 11.01 Lots: 8 - 14	Issuing Division  Land Use Regulation Program	Statute(s)  NJSA 12:5-3
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Type of Permit Waterfront Development Permit	Maximum Approved Capacity, if applicable N/A
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This permit grants permission to: repair an existing single-vehicle bridge located west of impoundment number 3 and to conduct maintenance activities on a berm adjacent to impoundment number 14 along the Rahway River.

The activities authorized by this permit are shown on three sheets, sheet 3 entitled "CYTEC INDUSTRIES INC., CARTERET, NEW JERSEY, WATERFRONT DEVELOPMENT / COASTAL WETLANDS PERMIT APPLICATION, BRIDGE REPAIR LOCATION", sheet 4 entitled, "CYTEC INDUSTRIES INC., CARTERET, NEW JERSEY, WATERFRONT DEVELOPMENT / COASTAL WETLANDS PERMIT APPLICATION, PROPOSED CONCEPTUAL PLAN FOR BERM REPAIR", and sheet 5 entitled "CYTEC INDUSTRIES INC., CARTERET, NEW JERSEY, WATERFRONT DEVELOPMENT / COASTAL WETLANDS PERMIT APPLICATION PROPOSED ACCESS ROAD EXTENSION / BERM REPAIR", all dated January 27, 2004 and prepared by Blasland, Bouck & Lee, Inc.

This permit is authorized under, and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., specifically: *Prime fishing areas 7:7E-3.4, Finfish Migratory Pathways 7:7E-3.5, Intertidal and subtidal shallows 7:7E-3.15, Filled water's edge 7:7E-3.23, Flood hazard areas 7:7E-3.25, Wetlands 7:7E-3.27, Wetlands buffers 7:7E-3.28, Steep slopes 7:7E-3.34, Endangered or Threatened Wildlife or Plant Species Habitats 7:7E-3.38, Critical wildlife habitats 7:7E-3.39, Special hazard areas 7:7E-3.41, Special Urban Areas 7:7E-3.43, Geodetic Control Reference Marks 7:7E-3.47, Bridges 7:7E-4.13, Dams and Impoundments 7:7E-4.16, Outfalls and Intakes 7:7E-4.17, Marine Fish and Fisheries 7:7E-8.2, Water Quality 7:7E-8.4, Vegetation 7:7E-8.8, Public Access to the Waterfront 7:7E-8.11.*

By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.

The permittee shall allow an authorized Program representative the right to inspect the construction pursuant to N.J.A.C. 7:7-1.5(b)4.

Prepared By: Allison Giehl  
Allison Giehl  
(See page 3 for Manager's signature.)

Approved by the Department of Environmental Protection

Name (Print or Type) \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

\*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

THIS PERMIT IS SUBJECT OT THE FOLLOWING GENERAL CONDITIONS:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any was affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action if a violation of a State regulation or requirement has occurred on site.

This permit is issued subject to, and provided, the following conditions are met to the satisfaction of the Land Use Regulation Program. All conditions must be met prior to construction unless otherwise specified. Compliance with Administrative Conditions shall be determined once copies of all specified permits, certifications, plans, agreements, etc. have been received, not less than 30 days prior to construction, and approved by the Land Use Regulation Program. All Physical Conditions are subject to on-site compliance inspection by the Bureau of Coastal and Land Use Enforcement. As per N.J.A.C. 7:7-1.5(b)1, you must notify the Bureau of Coastal and Land Use Enforcement, (Toms River Office-1510 Hooper Avenue, Toms River, NJ 08753), in writing at least three (3) days prior to commencement of construction or site preparation.

#### ADMINISTRATIVE CONDITIONS

1. This permit shall be recorded in the office of the County Clerk in the county wherein the lands included in the permit are located within ten days of the date that the applicant received the permit. Verification that the permit is recorded shall be forwarded to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625-0439 immediately thereafter.
2. This permit is NOT valid until the applicant signs and returns a permit acceptance form to the Land Use Regulation Program, agreeing to the terms and conditions of the permit.
3. The granting of this permit authorization shall not be construed in any way to affect the title or ownership of the property, and shall not make the Department of the State a party in any suit or question of ownership of the property.
4. This permit is not VALID and no work shall be undertaken pursuant to this authorization until all other required Federal, State, and local approvals, licenses, and permits necessary for the commencement of work onsite have been obtained.

  
Robert B. Piel, Jr., Manager  
Bureau of Inland Regulation

Date 2/18/04

C: Carteret Municipal Clerk  
Carteret Construction Code Official

## **Environmental Summary Report**

RE: Waterfront Development Permits  
LURP FILE: 1201-03-0003.1 WFD 030001 (upland)  
APPLICANT: Cytec Industries, Inc.  
PROJECT: Cytec Carteret  
Carteret, Middlesex County

### **I. INTRODUCTION:**

The applicant, Cytec Industries, Inc., is proposing to repair an existing single-vehicle bridge and also to repair a berm on-site in Carteret Borough, Middlesex County. The bridge repair includes placing a new steel bridge over the existing span that is supported by two small concrete footings. The berm repair is along Impoundment 4 and will consist of berm improvements to support a gravel access road.

The Land Use Regulation Program has regulatory jurisdiction over this project since the proposed work will occur within 100 feet of a coastal tidal wetland. By this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.

### **II. WATERFRONT DEVELOPMENT PERMIT ANALYSIS**

The analysis of this application is based on the relevant criteria set forth in the Rules on Coastal Zone Management N.J.A.C. 7:7E-1 et. seq.

#### ***7:7E-3.4 Prime fishing areas***

*(a) Prime fishing areas include tidal water areas and water's edge areas which have a demonstrable history of supporting a significant local quantity of recreational or commercial fishing activity. The area includes all coastal jetties and groins, public fishing piers or docks and artificial reefs.*

*(b) Standards relevant to prime fishing areas are as follows:*

- 1. Permissible uses of prime fishing areas include recreational and commercial finfishing and shellfishing, as presently regulated by the Department's Division of Fish and Wildlife, scuba diving and other water related recreational activities.*
- 2. Prohibited uses include sand or gravel submarine mining which would alter existing bathymetry to a significant degree so as to reduce the high fishery productivity of these areas. Disposal of domestic or industrial wastes must meet applicable State and Federal effluent limitations and water quality standards.*

The proposed maintenance and repair activities are not located in an area with demonstrable history of supporting a significant local quantity of recreational or commercial fishing activity. Therefore, prime fishing areas on which commercial and recreational fish are dependent will not be impacted. No new structures will be constructed and access to potentially viable fishing waters will not be altered. Compliance with this rule has been demonstrated.

#### **7:7E-3.5 Finfish migratory pathways**

*(a) Finfish migratory pathways are waterways (rivers, streams, creeks, bays and inlets) which can be determined to serve as passageways for diadromous fish to or from seasonal spawning areas, including juvenile anadromous fish which migrate in autumn and those listed by H.E. Zich (1977) "New Jersey Anadromous Fish Inventory" NJDEP Miscellaneous Report No. 41, and including those portions of the Hudson and Delaware Rivers within the coastal zone boundary.*

*(b) Development, such as dams, dikes, spillways, channelization, tide gates and intake pipes, which creates a physical barrier to the movement of fish along finfish migratory pathways is prohibited, unless acceptable mitigating measures such as fish ladders, erosion control, or oxygenation are used.*

*(c) Development which lowers water quality to such an extent as to interfere with the movement of fish along finfish migratory pathways or to violate State and Delaware River Basin Commission water quality standards is prohibited.*

The proposed maintenance and repair activities do not include any new structures to be constructed onsite. Therefore, the proposed project would not create a physical barrier to the movement of fish along finfish migratory pathways, nor would it degrade water quality. Compliance with this rule has been demonstrated.

#### **7:7E-3.15 Intertidal and subtidal shallows**

*(a) Intertidal and subtidal shallows means all permanently or temporarily submerged areas from the spring high water line to a depth of four feet below mean low water.*

*(b) Development, filling, new dredging or other disturbance is discouraged but may be permitted in accordance with (c), (d), (e), and (f) below and with N.J.A.C. 7:7E-4.2 through 4.20.*

The proposed activities will be conducted in an upland area and will not impact intertidal or subtidal shallows. No development, filling, dredging, or other disturbance will occur in these areas. Compliance with this rule has been demonstrated.

**7:7E-3.23 Filled water's edge**

*(a) Filled water's edge areas are existing filled areas lying between wetlands or water areas, and either the upland limit of fill, or the first paved public road or railroad landward of the adjacent water area, whichever is closer to the water. Some existing or former dredged material disposal sites and excavation fill areas are filled water's edge (see Appendix, Figure 4, incorporated herein by reference).*

*(b) The "waterfront portion" is defined as a contiguous area at least equal in size to the area within 100 feet of navigable water, measured from the Mean High Water Line (MHWL). This contiguous area must be accessible to a public road and occupy at least 30 percent of its perimeter along the navigable water's edge.*

*(i) On all filled water's edge sites, development must comply with the Public Access to the Waterfront Rule (N.J.A.C. 7:7E-8.11). Public access to the waterfront will not be required at single family or duplex residential lots along the waterfront, which are not part of a larger development.*

The existing site is classified as filled waters edge. The 85 acre portion of the site adjacent to the Rahway River consists of 6 settling basins with berms surrounding them. A water cover was placed over impoundment number 6 and all other impoundments have a vegetative cover. Public access is not practicable due to safety and security issues associated with this site, as well as on the adjacent tank farm. Compliance with this rule has been demonstrated.

**7:7E-3.25 Flood hazard areas**

*(a) Flood hazard areas are the floodway and flood fringe area around rivers, creeks and streams as delineated by the Department under the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.); and areas defined or delineated as an A or a V zone by the Federal Emergency Management Agency (FEMA). They are areas subject to either tidal or fluvial flooding. Where flood hazard areas have been delineated by both the Department and FEMA, the Department delineations shall be used. Where flood hazard areas have not been delineated by the Department or FEMA, limits of the 100 year floodplain will be established by computation on a case-by-case basis. The seaward boundary shall be the mean high water line (see Appendix 1, Figures 6 and 7, incorporated herein by reference).*

The proposed activities will be conducted above the limits of the 100 year flood zone. Therefore, the maintenance activities will not impact the flood hazard area. Compliance with this rule has been demonstrated.

#### **7:7E-3.27 Wetlands**

*(a) Wetlands or wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.*

*(b) Development in wetlands defined under the Freshwater Wetlands Protection Act of 1987 is prohibited unless the development is found to be acceptable under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A).*

*(d) In particular, dumping solid or liquid wastes and applying or storing certain pesticides on wetlands are prohibited.*

The proposed repair activities will occur outside wetlands areas as identified by NJDEP LOI file number 1201-97-0004.1 dated March 13, 1998. Therefore no wetlands will be impacted as a result of the proposed project. Compliance with this rule has been demonstrated.

#### **7:7E-3.28 Wetlands buffers**

*(a) Wetlands buffer or transition area means an area of land adjacent to a wetland which minimizes adverse impacts on the wetlands or serves as an integral component of the wetlands ecosystem (see Appendix, Figure 7).*

*(b) Subject to (a) above, all wetlands buffers (that is, transition area) associated with wetlands subject to the Freshwater Wetlands Protection Act shall be regulated in accordance with the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.*

The proposed maintenance and repair activities do occur within a wetlands buffer area of coastal wetlands, therefore the area may be subject to regulation by the Freshwater Wetlands Protection Act (N.J.A.C. 7:7A). However, according to N.J.A.C. 7:7A-2.6(b)1.i.(8), maintenance of existing artificial features do not require the submittal of a freshwater wetlands permit or waiver. Therefore, the proposed repairs to the existing bridge and berm within the wetlands buffer area authorized under this permit do not require a freshwater wetlands permit or waiver. Compliance with this rule has been demonstrated.

#### **7:7E-3.34 Steep slopes**

*(a) Steep slopes are land areas with slopes greater than 15 percent, which are not adjacent to the shoreline and therefore not coastal bluffs (see N.J.A.C. 7:7E-3.31). Steep slopes include natural swales and ravines, as well as manmade areas, such as those created through mining for sand, gravel, or fill, or road grading. Slopes of less than 15 percent are not considered to be steep slopes.*

*(b) Development on steep slopes is discouraged where wetlands, wetland buffers, intermittent stream corridors, threatened and endangered species habitats or water areas are located adjacent to or at the base of the slope and on steep slopes which are forested as defined at N.J.A.C. 7:7E-5.5(c).*

*(c) Development on steep slopes other than those listed in (b) above, is conditionally acceptable provided:*

- 1. The steep slope is vegetated with native woody vegetation to the maximum extent practicable; and*
- 2. Stabilization measures are used, if necessary, such as terracing and paving, that are consistent with the natural or predevelopment character of the entire site, to the maximum extent practicable.*

The proposed maintenance activities must be conducted on steep slopes in order to repair and improve the impoundment berms onsite. All proposed maintenance work will be conducted using the best management practices to limit erosion potential and to ensure stabilization, including erosion control mats or stabilization seeding. Vegetative cover providing erosion protection present on the impoundment side slopes will be disturbed to the least extent possible. Compliance with this rule has been demonstrated.

#### **7:7E-3.38 Endangered or threatened wildlife or plant species habitats**

*(a) Endangered or threatened wildlife or plant species habitats are areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife or plant identified as "endangered" or "threatened" species on official Federal or State lists of endangered or threatened species, or under active consideration for State or Federal listing. The definition of endangered or threatened wildlife or plant species habitats include a sufficient buffer area to ensure continued survival of the population of the species. Absence of such a buffer area does not preclude an area from being endangered or threatened wildlife or plant species habitat.*

*(b) Development of endangered or threatened wildlife or plant species habitat is prohibited unless it can be demonstrated, through an Endangered or Threatened Wildlife or Plant Species Impact Assessment as described at N.J.A.C. 7:7E-3C.2, that endangered or threatened wildlife or plant species habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected.*

A portion of the property may contain habitat for threatened species, including the Yellow-crowned Night Heron and Black-crowned Night Heron. However the area of the proposed berm repair and minor road crossing are in a highly disturbed and are not suitable threatened species habitat. This project will not impact any threatened or endangered species habitat. Compliance with this rule has been met.



#### **7:7E-3.39 Critical wildlife habitats**

*(a) Critical wildlife habitats are specific areas known to serve an essential role in maintaining wildlife, particularly in wintering, breeding, and migrating.*

The project area contains no critical wildlife habitat. Compliance with this rule has been met.

#### **7:7E-3.41 Special hazard areas**

*(a) Special hazard areas include areas with a known actual or potential hazard to public health, safety, and welfare, or to public or private property, such as the navigable air space around airports and seaplane landing areas, potential evacuation zones and areas where hazardous substances as defined at N.J.S.A. 58:10-23.11b-k are used or disposed, including adjacent areas and areas of hazardous material contamination.*

The project site was formerly used to dispose of processed silica. The proposed maintenance activities to the impoundment berm will prevent the release of a hazardous substance and ensure public health, safety, and welfare. Compliance with this rule has been demonstrated.

#### **7:7E-3.43 Special urban areas**

*(a) Special urban areas are those municipalities defined in urban aid legislation (N.J.S.A. 52:27D-178) qualified to receive State aid to enable them to maintain and upgrade municipal services and offset local property taxes. Under N.J.S.A. 52:27D-178 et seq., the Department of Community Affairs (DCA) establishes a list of qualifying municipalities each fiscal year. DCA's list of qualifying municipalities may be obtained on request from the Department's Land Use Regulation Program, PO Box 439, Trenton, New Jersey 08625-0439, (609) 292-0060.*

*(b) Development that will help to restore the economic and social viability of special urban areas is encouraged. Development that would adversely affect the economic well being of these areas is discouraged, when an alternative which is more beneficial to the special urban areas is feasible. Development that would be of economic and social benefit and that serves the needs of local residents and neighborhoods is encouraged.*

The proposed project will enhance the economic viability of the area by maintaining integrity of site impoundments, therefore, preventing release of and decreasing human and ecological contact with the contaminated materials. Compliance with rule has been demonstrated.

#### **7:7E-3.47 Geodetic control reference marks**

*(a) Geodetic control reference marks are traverse stations and benchmarks established or used by the New Jersey Geodetic Control Survey pursuant to P.L. 1934, c.116.*

*(b) The disturbance of a geodetic control reference mark is discouraged. When a geodetic control reference mark must be moved, raised or lowered to accommodate construction, the New Jersey Geodetic Control Survey shall be contacted at least 60 days prior to disturbance, and arrangements shall be made to protect the position. If the position can not be protected, it may be altered in position after approval by the New Jersey Geodetic Control Survey and under the supervision of a licensed professional engineer or land surveyor using standard methods. Copies of field notes and instruments, tape, and rod specifications including calibration data, shall be submitted to the New Jersey Geodetic Control Survey.*

According to NJDOT Geodetic Survey, there are no geodetic control survey markers on this property. Compliance with this rule has been met.

#### **7:7E-4.13 Bridges**

*(a) A bridge is any continuous structure spanning a water body, except for an overhead transmission line.*

*(b) Bridges are conditionally acceptable provided:*

- 1. There is a demonstrated need that cannot be satisfied by existing facilities;*
  - 2. Pedestrian and bicycle use is provided for unless it is demonstrated to be inappropriate; and*
  - 3. Fishing catwalks and platforms are provided to the maximum extent practicable.*
- This shall be taken into consideration during the design phase of all proposed bridge projects.*

The proposed repair activities to the vehicular bridge are required to allow access to the impoundment berms for sampling, inspection, and maintenance. Compliance with this rule has been demonstrated.

#### **7:7E-4.16 Dams and impoundments**

*(a) Dams and impoundments are structures that obstruct natural water flow patterns for the purpose of forming a contained volume of water. Impoundments include dikes with sluice gates and other structures to control the flow of water.*

*(b) Except for medium rivers, creeks and stream as defined at N.J.A.C. 7:7E-4.1, the construction of dams and impoundments is prohibited. The construction of these structures is conditionally acceptable in medium rivers, creeks and streams as defined at N.J.A.C. 7:7E-4.1, provided:*

- 1. The structures are essential for water supply purposes or for the creation of special wildlife habitats;*
- 2. Adverse impacts are minimized; and*
- 3. The structures will not adversely affect navigation routes.*

The proposed maintenance will not alter the size or shape of the impoundments, and it will not adversely affect navigation routes. Compliance with this rule has been demonstrated.

#### **7:7E-4.17 Outfalls and intakes**

*(a) Outfalls and intakes are pipe openings that are located in water areas for the purpose of intake of water or discharge of effluent including sewage, stormwater and industrial effluents.*

*(b) Outfalls and intakes are conditionally acceptable provided that the use associated with the intake or outfall meets applicable Coastal Zone Management rules.*

The repair project does not propose any new outfall structures and no changes will be made to existing outfalls onsite. Compliance with this rule has been demonstrated.

#### **7:7E-8.2 Marine Fish and Fisheries**

*(a) Marine fish are marine and estuarine animals other than marine mammals and birds.*

*(b) Any activity that would adversely impact on the natural functioning of marine fish, including the reproductive, spawning and migratory patterns or species abundance or diversity of marine fish, is discouraged.*

The proposed activities will not adversely impact on the natural functioning of marine fish. No new structures are proposed in the maintenance activities, therefore access to potentially viable fishing waters will not be altered. In addition, the proposed project area along the Rahway River is condemned and closed by the NJDEP to the harvest of clams, mussels, and oysters. Recreational fisheries are limited by accessibility issues in both the Rahway River and the Arthur Kill systems in areas surrounding the site. Compliance with this rule has been demonstrated.

#### **7:7E-8.4 Water Quality**

*(a) As required by Section 307(f) of the Federal Coastal Zone Management Act (P.L. 92-583), Federal, State and local water quality requirements established under the Clean Water Act (33 U.S.C. ? 1251) shall be the water resource standards of the coastal management program. These requirements include not only the minimum requirements imposed under the Clean Water Act but also the additional requirements adopted by states, localities, and interstate agencies pursuant to Section 510 of the Clean Water Act*

*and such statutes as the New Jersey Water Pollution Control Act. In the waters under the jurisdiction of the Interstate Sanitation Commission in the New Jersey-New York metropolitan area, the requirements include the Interstate Sanitation Commission's Water Quality Regulations. Department rules related to water pollution control and applicable throughout the entire coastal zone include, for example, the Surface Water Quality Standards (N.J.A.C. 7:9-4), the rules concerning Wastewater Discharge Requirements (N.J.A.C. 7:9-5), the Ground-Water Quality Standards (N.J.A.C. 7:9-6), and the Regulations Concerning the New Jersey Pollutant Discharge Elimination System (N.J.A.C. 7:14A).*

*(b) Coastal development which would violate the Federal Clean Water Act, or State laws, rules and regulations enacted or promulgated pursuant thereto, is prohibited. In accordance with N.J.A.C. 7:15 concerning the Water Quality Management Planning and Implementation process, coastal development that is inconsistent with an approved Water Quality Management (208) Plan under the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., is prohibited.*

The proposed activities will not result in any releases of potential pollutants to surrounding waters and will comply with the relevant water quality regulations. Compliance with this rule has been demonstrated.

#### **7:7E-8.8 Vegetation**

*(a) Vegetation is the plant life or total plant cover that is found on a specific area, whether indigenous or introduced by humans.*

*(b) Coastal development shall preserve, to the maximum extent practicable, existing vegetation within a development site. Coastal development shall plant new vegetation, particularly appropriate coastal species native to New Jersey to the maximum extent practicable.*

The proposed maintenance activities will disturb some areas of vegetation during the berm and bridge repairs. Upon completion of proposed activities, disturbed areas will be seeded with a native seed mix in order to reestablish vegetative cover. Compliance with this rule has been demonstrated.

#### **7:7E-8.11 Public Access to the Waterfront**

*(a) Public access to the waterfront is the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts.*

*(b) Coastal development adjacent to all coastal waters, including both natural and developed waterfront areas, shall provide permanent perpendicular and linear access to the waterfront to the maximum extent practicable, including both visual and physical access. Development that limits public access and the diversity of the waterfront*

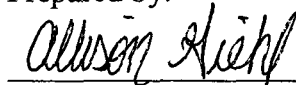
*experiences is discouraged.*

Access to this property is through an adjacent property which is currently a tank farm, therefore for security reasons public access is not appropriate. For the above reason, compliance with this rule is not practicable.

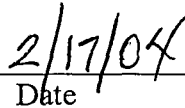
### III. Conclusion

Based upon the preceding analysis, the Manager of the Bureau of Inland Regulation, Land Use Regulation Program is able to make the positive findings required under the Coastal Zone Management Rules, for the conditional approval of a Waterfront Development Permit. The Waterfront Development Permit is contingent upon compliance with the conditions listed on the permit. The Bureau Manager of the Land Use Regulation Program hereby finds that the applicable Rules on Coastal Zone Management Policies will be met.

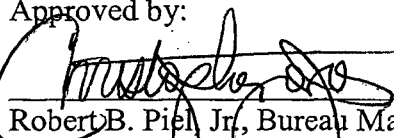
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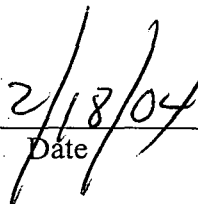
Allison Giehl, Environmental Specialist  
Bureau of Inland Regulation  
Land Use Regulation Program

  
Date

Approved by:



Robert B. Piel Jr., Bureau Manager  
Bureau of Inland Regulation  
Land Use Regulation Program

  
Date